

UNITED
TALMUDICAL
ACADEMY

OF BORO PARK

ישיבה ומתיבתא
תורה ויראה
ובית רחל
דרבינו יואל מסאטמאר



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FEB 10 2006

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CC Docket No. 96-45
CC Docket No. 02-6

Date: January 24, 2006

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington DC 20554

REQUEST FOR REVIEW

Applicant Name: United Talmudical Academy of Boroughpark
Billed Entity Number: 233008
Form 471 Application No: 407712
Funding Request Number: 1116903
Funding Year: 2004

Dear Sirs:

This is an appeal of our appeal to USAC dated August 13, 2005 and denied by USAC on December 13, 2005, for failure to show we had secured access to our portion (10%) of the charges.

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List ABCDE

5301 14TH AVE. ■ BROOKLYN, NY 11219

BRANCH OFFICES

TEL. 718.438.7822 ■ FAX. 718.438.3153

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In February of 2004 we submitted two 471s: 407712 which was for telecommunications and 431977 which was for internal connections. Based on that request our 10% portion of the charges was broken down as follows:

| | | | | |
|-------------|--------------|------------------|--------|----------------------|
| 471# 407712 | FRN# 1116903 | Verizon Local | \$5760 | Telecommunications |
| | FRN# 1116913 | Nextel Cell | \$9120 | Telecommunications |
| | FRN# 1116923 | Amer. Long Lines | \$528 | Telecommunications |
| 471# 431977 | FRN# 1200895 | Birns | \$2840 | Internal Connections |
| | FRN# 1201559 | Birns | \$4000 | Internal Connections |
| | FRN# 1202360 | XO | \$2334 | Telecommunications |

TOTAL \$24,582

BREAKDOWN: Telecommunications \$17,742: Internal Connections \$6840

CC Docket No. 96-45

CC Docket No. 02-6

United Talmudical Academy of Boroughpark

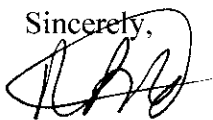
Page 2 of 2

In late spring we determined that we weren't interested in pursuing our internal connections application. Shortly thereafter the item 25 information request arrived. We put a letter in with our response explaining that we were canceling our internal connections request. Also on fax back page 3 we wrote that we were canceling all requests for internal connections. On the budget page that was submitted simultaneously we no longer had the original \$24,000 but had updated it to show the current amount actually being reserved for e-rate. Therefore our budget showed the \$17,742 we currently needed. Of course we could have sent an old version of the budget, but to us that wouldn't make any sense. Why would we now be reserving money that was not required? The budget was sent at the same time as fax back page 3 which showed that we knew we were canceling the internal connection request.

It also makes no sense that the Nextel request was funded and the American Long Lines request was funded based on the same information.

I am enclosing the USAC Appeal Decision along with fax back page 3 and the budget page from the item 25.

Sincerely,



Rachel Klagsbrun

718 438-7822 ext 1102

Fax: 718 437-1083



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

December 13, 2005

Rabbi Weiz
United Talmudical Academy of Boro Park
5301 14th Avenue
Brooklyn, NY 11219

Re: Applicant Name: UNITED TALMUDICAL ACADEMY OF
BUROUGH PARK
Billed Entity Number: 233008
Form 471 Application Number: 407712
Funding Request Number(s): 1116903
Your Correspondence Dated: August 13, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1116903
Decision on Appeal: **Denied**
Explanation:

- On appeal, you counter the SLD's decision of denying your funding request for failing to demonstrate that when you filed your Form 471, you secured access to the funds needed to pay your portion of the charges. You state that at the time you submitted the Item 25 request, you decided to cancel the internal connections request and the reviewer never subtracted that from your total applicant share.
- Upon thorough review of the appeal and all relevant documentation, it was determined that you were not able to demonstrate that United Talmudical Academy of Boro Park had secured resources at the time of the Form 471 filing to cover their E-rate share. During the Selective review, Ms. Klagsbrun provided a budget allocating the school's share in both the revenues and expenses. However,

the school only allocated a portion of their entire share. The budget reflects a total allocation for E-rate to be \$17,742.00 as opposed to the actual required applicant share of \$24,092.00. During the review, you also requested to cancel the internal connections requests. On appeal, you indicate that you cancelled the internal connections requests; thus the amount should have been subtracted from the school's share. Since the request to cancel was not submitted during the RAL process, nor was it a duplicate, you are responsible for securing the entire amount of \$24,092.00, including the cancelled FRNs, at the time of the Form 471 filing.

- SLD's review of your application indicated that the information you provided during the Item 25 review was not sufficient to demonstrate that, at the time you submitted your Form 471 application, you had secured access to these funds. In your appeal, you did not demonstrate that at the time you submitted your Form 471 application, you had secured access to these funds. Consequently, SLD denies your appeal.
- FCC rules require applicants to certify that, at the time they submit the FCC Form 471, they have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the products and services purchased as well as to pay the non-discounted charges for eligible products and services. 47 C.F.R. § 54.504(b); FCC Form 471, Block 6 Item 25. SLD reviews this certification by conducting an Item 25 "necessary resources" review. The FCC has emphasized the importance of conducting this review to protect the integrity of the schools and libraries support mechanism. *Request for Review by New Orleans Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd. 16,653, DA 01-2097 (rel. Sep. 18, 2001). This rule requires the applicant to pay its service provider the full cost of the non-discounted portion owed to the service provider from the funds budgeted within that funding year.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT

Form 471 Application Number: 407712
 Funding Request Number: 1116903 Funding Status: Not Funded
 Services Ordered: Telecommunications Service
 SPIN: 143001359 Service Provider Name: Verizon New York Inc.
 Contract Number: T
 Billing Account Number: N/A
 Service Start Date: 07/01/2004
 Contract Expiration Date: 06/30/2005
 Annual Pre-discount Amount for Eligible Recurring Charges: \$57,600.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
 Pre-discount Amount: \$57,600.00
 Discount Percentage Approved by the SLD: N/A
 Funding Commitment Decision: \$0.00 - Insufficient support resources
 Funding Commitment Decision Explanation: During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so.

Funding Request Number: 1116913 Funding Status: Funded
 Services Ordered: Telecommunications Service
 SPIN: 143000890 Service Provider Name: Nextel
 Contract Number: MTN
 Billing Account Number: N/A
 Service Start Date: 07/01/2004
 Contract Expiration Date: 06/30/2005
 Annual Pre-discount Amount for Eligible Recurring Charges: \$73,722.72
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
 Pre-discount Amount: \$73,722.72
 Discount Percentage Approved by the SLD: 90%
 Funding Commitment Decision: \$66,350.45 - BRN approved, modified by SLD
 Funding Commitment Decision Explanation: The dollars requested were reduced to remove the ineligible product(s)/service(s) for equipment charges.

Funding Request Number: 1116923 Funding Status: Funded
 Services Ordered: Telecommunications Service
 SPIN: 143004055 Service Provider Name: American Long Lines, Inc.
 Contract Number: T
 Billing Account Number: N/A
 Service Start Date: 07/01/2004
 Contract Expiration Date: 06/30/2005
 Annual Pre-discount Amount for Eligible Recurring Charges: \$5,280.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
 Pre-discount Amount: \$5,280.00
 Discount Percentage Approved by the SLD: 90%
 Funding Commitment Decision: \$4,752.00 - BRN approved as submitted

Fax Back Page 3

We have cancelled all our internal connections requests for year 7. However to explain our direction, we originally established a computer room in years 2 and 3 and now have put our efforts into getting our telephone systems up in running in all our various locations, including service to individual classrooms. We are waiting to hear about our year 6 application in this regard.

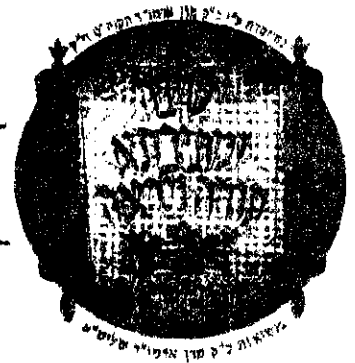
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תורה וידאקה
ובית דתל

דרבינו יואל סטאטמאר



United Talmudical Academy of Boro Park

October 1, 2004 – September 30, 2005

INCOME

| | |
|---------------------------------|------------------------|
| E RATE 10% ——— Tuition | \$3,850,000.00 |
| Transportation | 250,000.00 |
| Registration | 350,000.00 |
| Wedding Hall | 800,000.00 |
| Butcher Store | 280,000.00 |
| Ladies Auxiliary | 80,000.00 |
| Fundraising: Annual Dinner, Etc | 6,236,201.77 |
| Miscellaneous | <u>38,800.00</u> |
| TOTAL | \$11,885,001.77 |

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תורה וידע
ובית דת

דרבני קהל סטטמאד



United Talmudical Academy of Boro Park
Budget

October 1, 2004 - September 30, 2005

EXPENSES

| | |
|------------------------------|--------------|
| Administration | \$670,298.54 |
| Transportation | 523,835.91 |
| Kitchen & Maintenance | 550,848.96 |
| Cleaning Crew | 119,325.00 |
| Talmud Torah | 2,178,855.71 |
| Yeshiva | 1,213,698.76 |
| Boys' English Dept. | 300,365.00 |
| Day Camp | 136,285.00 |
| Head Start | 797,797.06 |
| After School | 138,000.00 |
| Bais Rochel Pre-School | 411,199.00 |
| Yiddish Dept. 1-12 Textbooks | 955,531.00 |
| English Dept. 1-12 Textbooks | 743,672.00 |
| Sewing Dept. | 89,235.00 |
| Oneg Shabbos | 38,300.00 |
| Mortgages, All Bldgs | 435,348.00 |
| Liability Ins. Bldgs., Buses | 400,000.00 |
| Bklyn Union Gas, All Bldgs. | 49,714.94 |
| Con Edison, All Bldgs. | 226,708.09 |
| Office & School Supplies | 234,075.74 |
| Buses Gasoline | 62,839.75 |
| Buses Maintenance | 59,562.84 |
| Petty Cash | 43,844.42 |
| Bldg Maint & Supplies | 218,873.00 |
| Outs Debts | 150,000.00 |
| Social Security Tax | 355,753.68 |
| Prizes for Achievers | 30,000.00 |
| Personnel Health Ins | 221,953.32 |
| Chair Rental | 3645.00 |
| Workman's Comp | 43,972.51 |
| Sea Gate Utilities | 10,000.00 |

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| | |
|-------------------------|------------------------|
| Rent (Garage for Buses) | 42,000.00 |
| Telephone Hardware | 25,000.00 |
| Telephone | 113,665.05 |
| E-Rate | 17,742.00 |
| Xerox & Supplies | 41,918.62 |
| Printing & Adv. | 30,808.71 |
| Audit Exp | 40,000.00 |
| Acct & Atty Fees | 23,400.00 |
| Fines & Penalties | 3250.00 |
| Misc. | 23,074.87 |
| Williamsburg Tuition | 60,000.00 |
| Taxes-R/E W&S | 31,149.25 |
| TOTAL | \$11,865,044.73 |

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